IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3362 OF 1992

Balu Khandu Dhangar .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Ms.A.S.Prabhu i/b Mr.A.V.Bandiwadekar for the petitioner.
Mr.M.H.Solkar AGP for respondent nos.1 to 4.
Mr.L.S.Gaikwad for respondent no.5.

CORAM : D.B.BHOSALE, J.

DATED : 15TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the parties.

2. This petition is directed against the judgment and order dated 7.7.1992 by which miscellaneous civil appeal no.154/1989 was dismissed. The appeal was directed against the order passed in regular civil suit no.35/1986 by which the application at Exhibit-9 seeking interim injunction was dismissed. This court while admitting the writ petition on 18.8.1992 had granted interim relief in terms of prayer clause (c). Prayer clause (c) reads thus:

> "(c) Pending the hearing and final disposal of the petition, the respondents, either itself, or through their agents, servants, officers etc. be restrained by an order of injunction from this Hon'ble Court, from in any way interfering with the actual possession and Vahiwat of the petitioner in respect of the said land namely R.S.No.176/2/c/3 and

R.S.No.176/2C/1".

3. This interim relief is running in favour of the petitioner since August, 1992. The learned counsel for the parties are not in a position to state whether the suit is still pending. Be that as it may, I am satisfied that this petition can be disposed of by the following order:

(a) The trial Court shall decide regular civil suit no.35/1986, if not disposed of already, as expeditiously as possible and preferrably within a period of six months from the date of receipt of this order.

(b) The interim relief in terms of prayer clause (c) granted by this Court on 18.8.1992 to remain operative till the disposal of the suit.

(c) The trial Court shall decide the suit on merits in accordance with law and without being influenced by the orders passed in the proceedings arising from temporary injunction application.

. The petition is, accordingly, disposed of.

(D.B.Bhosale, J.)